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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/598,920

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Bruce Stanley Gunton

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06/30/2010

CHERNOFF, VILHAUER, MCCLUNG & STENZEL, LLP
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EXAMINER

LIU, HENRY Y

ART UNIT

PAPER NUMBER

3654

MAIL DATE

DELIVERY MODE

06/30/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/598,920	Applicant(s) GUNTUN, BRUCE STANLEY	
	Examiner HENRY LIU	Art Unit 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/26/2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-27 is/are rejected.
- 7) ☒ Claim(s) 28-36 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The rejection to the amended Claims is set forth below.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 20 is rejected under 35 U.S.C. 102(b) as being anticipated by FUNK (2,742,750).

Regarding Claim 20, FUNK teaches "A drive arrangement for a shaft (36), the arrangement having a module (20) which is carried, in use, by the shaft (36) and includes a motor (46), a driven wheel (38) fixed, in use, for rotation with the shaft (36) and drivable, in use, by the motor (46), and clutch means operable between the motor and the wheel, the clutch means including a base structure (48) carried, in use, by the shaft (36), a first carriage structure (48) movable relative to the base structure (12) and carrying the motor (46), a drive wheel (42) driven by the motor (46), and a belt (40) around the drive wheel (42) and the driven wheel (38), whereby the belt (40) can be releasably engaged with the wheels by means of movement of the first carriage structure (48) relative to the

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base structure (12), and wherein control means (62) (70) are provided and are operable, in use, to releasably apply a force between the first carriage structure (48) and the base structure (12), to urge apart the drive wheel (42) and the driven wheel (38), thereby engaging the clutch means (Col. 3 lines 20-37)."

FUNK teaches "wherein the control means (62) (70) is operable from a remote location (92) (Fig. 2)."

Since FUNK teaches the structure in Claim 20, it inherently teaches the property limitation "substantially without creating additional lateral force applied to the shaft." See MPEP 2114.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 22, 23, 24, 25, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over FUNK (2,742,750) in view of BENT (4,409,779).

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Regarding Claim 22, FUNK teaches all the elements of Claim 22 except “wherein the control means is operable by means of a control cable extending from the arrangement to the remote location.”

BENT teaches a control means operable by means of a control cable (105) extending from the arrangement to the remote location (Fig. 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the clutch mechanism in FUNK using the cable in BENT such that the cable sleeve is attached to base structure (FUNK 12) and the inner cable is attached to the first carriage structure (FUNK 48). The modification is a matter of design choice and would result in a simple and lightweight way to actuate the control means from a distance.

Regarding Claim 23, FUNK as modified teaches “wherein the control cable (BENT 105) is a Bowden cable extending from the assembly (BENT 85) to the remote location (BENT 103) and having an inner cable and sheath mounted to respective ones of the first carriage structure (BENT 95) (FUNK 48) and the base structure (BENT 13) (FUNK 12), whereby the said force may be applied by manipulation of the Bowden cable at the remote location (BENT 103).”

Regarding Claim 24, FUNK as modified teaches “wherein the inner cable is mounted to the first carriage structure (FUNK 48).”

Regarding Claim 25, FUNK as modified teaches “wherein the sheath is mounted to the base structure (BENT Fig. 3).”

Regarding Claim 26, FUNK as modified teaches “wherein the sheath is fixedly mounted at the remote location, whereby the clutch means is operable by manipulation of the inner cable relative to the sheath (BENT Fig 1).”

Claims 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over FUNK (2,742,750) in view of BENT (4,409,779) and further in view of BEAVER (4,242,855).

Regarding Claim 27, FUNK as modified teaches all the elements of Claim 27 except “wherein the arrangement includes a second carriage structure movable relative to the base structure into and out of driving engagement with the shaft.”

BEAVER teaches a second carriage structure (28) movable relative to the base structure (11) into and out of driving engagement with the shaft. The second carriage (28) can be disconnected from driving engagement at the fitting (29) (Fig. 3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the drive arrangement in FUNK as modified with

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the second carriage structure in BEAVER to add an auxilliary edge trimmer to a lawnmower.

Allowable Subject Matter

Claims 28-36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will

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the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HENRY LIU whose telephone number is (571) 270-7018. The examiner can normally be reached on Mon-Thurs 7:30am - 5:00pm ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN Q. NGUYEN can be reached on (571) 272-6952. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John Q. Nguyen/
Supervisory Patent Examiner, Art Unit 3654

/HENRY LIU/

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